

**Response Under 37 CFR 1.116**  
**Expedited Procedure**  
**Examining Group 3600**  
Application No. 10/649,330  
Paper Dated March 15, 2005  
In Reply to USPTO Correspondence of December 15, 2004  
Attorney Docket No. 0388-031646

### **REMARKS**

The Office Action of December 15, 2004 has been reviewed and the Examiner's comments carefully considered. The present Amendment amends claims 8 and 11 in accordance with the originally-filed specification. No new matter has been added. Claims 1-3, 5-9 and 11-18 are pending in this application.

Initially, the Examiner is thanked for indicating that claims 1-3 and 5-9 are allowed. Further, the Examiner is thanked for indicating that the subject matter of claims 15-18 defines over the prior art of record. In particular, the Examiner objects to these claims as being dependent upon a rejected base claim, but will allow such claims if rewritten in independent form including all the limitations of the base claim and any intervening claims.

The Examiner is further thanked for speaking with and corresponding with (via e-mail) the undersigned regarding claims 11-14 pending in this application. Specifically, the undersigned discussed various arguments and claim amendments in an e-mail of March 2, 2005, to which the Examiner responded on March 10, 2005. Specifically, the Examiner indicated that the proposed claim amendment would likely be effective in overcoming the hereinafter discussed Fontanes publication but that the Examiner would thoroughly review it and, if necessary, conduct additional searching and examination upon submission in a Request for Continued Examination (RCE). The present Amendment is accordingly filed together with an RCE.

Of pending claims 1-3, 5-9, and 11-18, only claims 11-14 stand rejected. Claim 8 has been amended to correct a minor grammatical error. In particular, claims 11-14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. US 2002/0157369 to Fontanes, II et al. (hereinafter "the Fontanes publication"). In view of the foregoing amendment to independent claim 11, and the following remarks, Applicants respectfully request reconsideration of these rejections.

Independent claim 11 of the present application, as amended, is directed to a mid-mount mower having a mower unit disposed between front wheels and rear wheels. The mower includes a body frame supported above the ground by the front wheels and rear wheels, and the body frame includes a front cross frame in a forward position thereof with respect to a longitudinal direction of a vehicle body. The front cross frame suspends the front

wheels. The mower includes a main jack body mounted on the front cross frame to be pivotable about a pivot shaft extending longitudinally of the vehicle body. The main jack body is in a storage position extending along the front cross frame when pivoted to a first pivot position about the pivot shaft, and in a substantially vertical position relative to the ground with one end of the main jack body contacting the ground when pivoted to a second pivot position about the pivot shaft. When an operating force is applied to a controlled portion of the main jack body in the vertical position relative to the ground, the main jack body extends and contracts steplessly retaining the vertical position, to raise and lower the front cross frame while maintaining the front cross frame in a parallel posture relative to the ground.

The Fontanes publication is directed to an on-board vehicle jacking apparatus and methods of using the same. As best seen in Fig. 11 of the Fontanes publication, the jacking apparatus 300 includes a jacking member 302. In the preferred embodiment, the jacking member 302 is a telescoping assembly including a first member 302a slidably received within a second member 302b to provide a jacking member 302 of adjustable length. When the apparatus 300 is in a retracted position, the member 302a may be retracted within the member 302b. However, during operation, the jacking member 302 may be reconfigured to a second or extended position, where the first member 302a extends outwardly from the second member 302b, such that the jacking member 302 may be reconfigured from a first length to a second length.

The Examiner indicates that the extendibility and contractibility of the main jack body of the present invention is recited functionally, and that the Fontanes publication also discloses a jack that is extendible and contractible. However, with specific reference to Figs. 7-9 of the present application, the main jack body of the present invention is both structurally and functionally distinguishable from the jacking member 302 in the Fontanes publication.

As seen in Fig. 11 of the Fontanes publication, the members 302a and 302b include apertures 303, which align to permit insertion of fasteners or pins 308, which are then secured to a respective cotter pin 309. In use, when the jacking device 300 is in the first position, the pins 308 pass through the apertures in the second member 302b and the aligned

apertures in the first member 302a. This secures the members together in a selectable position. Accordingly, the jacking apparatus 300 of the Fontanes publication, while indeed extendible and contractible, is only extendible and contractible in a very limited and stepped manner. Therefore, the jacking apparatus 300 of the Fontanes publication provides very limited movement, which, in turn, reduces the flexibility and operational functionality of the unit. In particular, the jacking apparatus 300 of the Fontanes publication does not provide the user with any stepless flexibility of positioning.

With reference to the present invention, and as best seen in Figs. 7-9 of the present application, the main jack body provides "stepless" extension and contraction, while retaining its vertical posture. This flexible and stepless motion is described on pages 16-19 of the originally-filed specification. While the jacking apparatus 300 of the Fontanes publication provides only a limited number of step-by-step extension/contraction positions using the previously-described pin-and-hole arrangement, the present invention provides a flexible, functional, and stepless extension/contraction feature that retains the vertical position.

Still further, the jacking apparatus 300 of the Fontanes publication only allows this limited and stepped movement after the jack body is inclined from its vertical posture, which, in some operational cases, prevents ground contact. The stepless extension/contraction feature of the main jack body of the present invention retains the vertical position, such that the front cross frame can be raised and lowered while maintaining the front cross frame in a parallel posture relative to the ground.

Therefore, the device of the Fontanes publication does not teach or suggest a mower unit having a main jack body that extends and contracts steplessly retaining the vertical position, to raise and lower the front cross frame while maintaining the front cross frame in a parallel posture relative to the ground, as specifically set forth in claim 11 of the present application, as amended.

For the foregoing reasons, independent claim 11 is not anticipated by or rendered obvious over the Fontanes publication or any of the remaining art of record, whether used alone or in combination. There is no hint or suggestion in any of the references cited by the Examiner to combine these references in a manner which would render the invention, as

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claimed, obvious. Reconsideration of the rejection of independent claim 11 is respectfully requested.

Claims 12-14 depend either directly or indirectly from, and add further limitations to, independent claim 11. Therefore, claims 12-14 are believed allowable for the reasons discussed hereinabove in connection with independent claim 11. Therefore, for all of the above reasons, reconsideration of the rejections of claims 12-14 is respectfully requested.

For all of the foregoing reasons, Applicants believe that claims 11-14, as amended, are patentable over the cited prior art and in condition for allowance. The Examiner has already indicated that claims 1-3 and 5-9 are allowed and that the subject matter of claims 15-18 defines over the prior art of record. Accordingly, reconsideration of the rejections and allowance of all pending claims 1-3, 5-9, and 11-18 are respectfully requested.

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